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SUBJECT: VIDEO SURVEILLANCE IN GERMANY: PERSPECTIVES FROM NRW

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11. (SBU) Summary: The Duesseldorf Police Chief recently discussed in considerable depth with CG the use and limitations of video surveillance. The North-Rhine Westphalia (NRW) law, under which he operates, places much stricter limits on such surveillance by the police than by non-police cameras, which are becoming increasingly common. Although the population feels itself safer with more cameras, his Department and the NRW Interior Ministry decided against expanding their use for practical and political reasons. He expected increased use of surveillance technology by non-police actors, on which law enforcement will draw on a case-by-case basis, such as happened with the 2006 Cologne "suitcase bomber" case. In view of recent national legal cases about the acceptability of surveillance by law enforcement and other agencies, these comments provide insight into senior city level thinking on video monitoring, which has applications for combating terrorism. End Summary.

Police vs. Private Surveillance

12. (SBU) In an extensive February 26 conversation with CG, Duesseldorf Police Chief Herbert Schenkelberg shared his experience and views on video surveillance by the police. As in all other states in Germany, NRW law strictly limits such surveillance, with cameras at only four sites in the entire state (Duesseldorf, Moenchengladbach, Bielefeld, and Coesfeld). The legal standards governing their use by the police are inordinately higher, and connected to particularly high crime rates. The law allows private cameras to operate everywhere they are not explicitly forbidden. This results in a huge difference between police and private camera use. For example, the Cologne "suitcase-bomber" of July case was solved with the help of video recordings provided by Deutsche Bahn, not the police.

Public Perception: A Mixed Message

13. (SBU) The Duesseldorf police chief observed that a majority of citizens do not seem to have a problem with video surveillance in public locations, while they strongly oppose telephone tapping and internet surveillance. He noted that most people do not feel "watched," but rather safer, as public perceptions tend to focus on social groups such as drug dealers, alcoholics or groups of disruptive youth. The public tends not to know the difference between police and non-police surveillance, he stated.

How Effective can Video Surveillance be?

14. (SBU) Schenkelberg said practical experience in the Duesseldorf police has raised a number of questions about the effectiveness of video surveillance, both in the public and law enforcement community. Some question its deterrent effect, pointing out neither the cameras did not prevent the Cologne suitcase bombers nor the July 7, 2005 London tube terrorist attacks, nor high crime rates in London, despite the high concentration of surveillance camera. Others note that video cameras often do not have the ability or resolution to zoom in and positively identify potential criminals, which also hampers surveillance efforts. Still others argue that video recordings provide only a fuzzy image of events (especially at night on the street) that have already taken place, and do not actually stop crime. Even the images of a recent attack on a pensioner in a Munich metro station were insufficient to identify the attackers, and are unlikely to be admissible in court, he maintained. He also pointed to considerable costs for technology (116,000 euros for the Duesseldorf site alone), not to mention personnel and maintenance costs, which during tighter budgets had to be balanced against potential benefits and which are often not as concrete as the public thinks. They are fairly personnel intensive, which reduces officers on the beat. His officers have also observed that many crimes, especially drug-related, simply move to other locations after video surveillance of a selected area is introduced. These factors caused him to be skeptical of arguments that more surveillance would necessarily produce more law enforcement benefits, he stated.

The Future of Video Surveillance

15. (U) The police chief said he had come to the conclusion after many years of observing video surveillance in practice that it was not the panacea some think it is, but that it does

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play a role in broader law enforcement strategy focused on particular public spaces. They serve a useful purpose if the technology is outstanding, the cameras are monitored 24/7, and police officers are nearby and can react quickly. All of these factors, however, were not as widely present as might be desirable, he observed. He therefore saw no reason to lower the legal hurdles that apply to video surveillance by the police. He expected, however, that this practice would increase by other actors, as it continued to serve a useful purpose, and that the police would draw on these other sources on a case-by-case basis.

Comment

16. (SBU) In view of recent national legal cases about the acceptability of surveillance by law enforcement agencies, the Police Chief's comments provide insight into senior city level thinking on video monitoring, which has applications for combating terrorism. The Duesseldorf police seem satisfied with the status quo, with a high legislative bar for permitting police-related video activity and a reliance on non-police video monitoring as required. Even if the bar for expanding police surveillance were lower, however, experience seems to have persuaded many in NRW that this method should only be a small part of its broader law enforcement activities. If he is correct that the German public tends to object less to video than to other forms of surveillance by law enforcement authorities, German popular sentiment against "big brother" type activity would seem to be a more nuanced phenomenon.

17. (U) This message has been coordinated with Embassy Berlin.
HUMPHREYS